

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ZACHARY BOUVIER TAYLOR,

Plaintiff

VS.

CENTRAL STATE HOSPITAL, *et al.*,

Defendants

NO. 5: 05-CV-74 (WDO)

PROCEEDINGS UNDER 42 U.S.C. § 2241
BEFORE THE U. S. MAGISTRATE JUDGE

RECOMMENDATION OF DISMISSAL

The above-captioned matter was transferred to this court from the U. S. District Court for the Middle District of Alabama and is now being treated as a petitioner for habeas corpus relief under 28 U.S.C. §2241. Respondent CENTRAL STATE HOSPITAL has filed a **MOTION TO DISMISS** showing, *inter alia*, that petitioner ZACHARY BOUVIER TAYLOR is no longer a patient at that facility, having been discharged on February 28, 2005 to the custody of the Harris County Sheriff's Department. Tab #9. Respondent MARK POST, an Assistant District Attorney who was previously dismissed by this court from a similar action (Civil Action No. 5:05-CV-87) in April of 2005, has also filed a **MOTION TO DISMISS**. Tab #16. Petitioner TAYLOR has filed responses to these motions. Tabs #11 and #20.¹

Upon review of all motions and pleadings, the undersigned find that the relief sought by petitioner Taylor from CENTRAL STATE HOSPITAL to have been mooted by his release from that institution in February of 2005. Hence, there is no relief this court can give to petitioner insofar as respondent CENTRAL STATE HOSPITAL is concerned. **IT IS RECOMMENDED** that the MOTION TO DISMISS filed by CENTRAL STATE HOSPITAL be GRANTED.

Clearly, the petitioner is entitled to no relief from respondent MARK POST. MARK POST is not petitioner's custodian and has no authority over any custodian of petitioner. As noted above, this court has previously dismissed this respondent from a similar proceeding filed by petitioner Taylor. Accordingly, **IT IS RECOMMENDED** that the MOTION TO DISMISS filed by respondent POST be GRANTED.

In light of the foregoing, the undersigned finds it unnecessary to consider other defenses presented by the respondents. The undersigned does note, however, that petitioner TAYLOR's petition appears to also be subject to dismissal on frivolity grounds. His petition and subsequent pleadings appear to be utter nonsense and totally irrational.

¹The court finds petitioner's Motion for Summary Judgment to be more responsive to Tab #9 than it is a motion seeking judgment. Like the rest of petitioner's pleadings, it makes no sense whatever. To the extent it could be considered as a motion, IT IS RECOMMENDED that it also be DENIED.

Pursuant to 28 U.S.C. §636(b)(1) the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom the case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof. The Clerk is directed to serve the plaintiff with a copy of this order by mailing it to him at the LAST ADDRESS provided by him.

SO RECOMMENDED, this 23rd day of MAY, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is stylized with large, flowing letters.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE